

Requirement for Information

In applicant's response to the requirement for information mailed April 11, 2008, applicant stated that "there has been no change in the status of Japanese Application No. 2002-185874" and "that no Office Action has been received for Japanese Application No. 2002-185874."

This response is inconsistent with the comments made by applicant in the information disclosure statement mailed December 4, 2007, which lists multiple references that were "first cited in any communication from a foreign patent office in a counterpart foreign application."

The requirement for information is addressed to the applicant and the assignee of record. The requirement for information is not simply asking the attorney of record "is the attorney of record aware of foreign rejections." The requirement is addressing the assignee and the applicant to disclose the foreign rejections and subsequent amendments made in the corresponding foreign applications. The assignee of record and the applicant are accountable for providing this information. The attorney of record is requested to obtain this information from the assignee of record.

Given the fact that nothing on earth is more relevant to patentability than a patentability report from a patent office, as well as the subsequent response by the applicant, the requirement for information is restated as a set of specific questions to aid the attorney of record, the assignee of record, and the applicant in fulfilling the requirement.

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

1. Has Japanese application number 2002-185874, which is listed on the declaration filed by applicant on August 25, 2003, received a notification of reasons for refusal from the Japanese Patent Office? Please respond by answering yes if application number 2002-185874 has received a notification of reasons for refusal or by answering no if this application has not received a notification of reasons for refusal. For example, if the Japanese Patent Office mailed a notification of reasons for refusal of Japanese application number 2002-185874, then the answer to this question is yes.
2. If the answer to 1 is yes, then submit a copy of the notification of reasons for refusal in both the original and English languages.
3. After the notification of reasons for refusal was mailed, was any part of Japanese application number 2002-185874 amended? Please respond by answering yes or no.
4. If the answer to 3 is yes, then submit a copy of the amendment in both the original and English languages.
5. Did the Japanese Patent Office mail a decision of refusal in Japanese application number 2002-185874? Please respond by answering yes or no.

6. If the answer to 5 is yes, please submit a copy of the decision of refusal in both the original and English languages.

7. After the decision of refusal was mailed, was any part of Japanese application number 2002-185874 amended? Please respond by answering yes or no.

8. If the answer to 7 is yes, then submit a copy of the amendment in both the original and English languages.

9. Please disclose all rejections, notifications of reasons for refusal, decisions of refusal, and amendments made in Japanese application number 2002-249212 in both the original and English languages.

10. Please disclose all rejections, notifications of reasons for refusal, decisions of refusal, and amendments made in Japanese application number 2002-249213 in both the original and English languages.

11. Please disclose all rejections, notifications of reasons for refusal, decisions of refusal, and amendments made in Japanese application number 2002-284126 in both the original and English languages.

12. Please disclose all rejections, notifications of reasons for refusal, decisions of refusal, and amendments made in Japanese application number 2002-284127 in both the original and English languages.

13. Please disclose all rejections, notifications of reasons for refusal, decisions of refusal, and amendments made in Japanese application number 2002-284128 in both the original and English languages.

14. Please state the application number of every application that claims priority to any of the following Japanese application numbers: 2002-185874, 2002-284128, 2002-284127, 2002-284126, 2002-249213, and 2002-249212.

This information is relevant to patentability. **Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.** This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of two months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY S. SMITH whose telephone number is (571)270-1235. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Andrew W. Johns/
Primary Examiner, Art Unit 2624

JSS
May 27, 2008